

**TEXAS RADIATION ADVISORY BOARD
ANNUAL REPORT FY 1997**

I. Dates of meetings and committees meeting

Meeting Date	Committees Meeting
May 3, 1997	Uranium TRAB
February 22, 1997	Waste & Industrial Medical Uranium TRAB
November 2, 1996	Fee Medical Uranium TRAB
September 7, 1996	Waste & Industrial Fee Medical Uranium TRAB

II. Attendance

Date of Meeting	Attending	Absent
May 3, 1997	Jack Krohmer, Ph.D.; Jimmy Barker; David Henkes, M.D.; Tom Burnette; Justin LaVasseur, M.D.; Bob Underdown; Donald Ludlum; Glen King, D.V.M.; Connie Rogers	Fred Bonte, M.D.; Louis Cadena, D.D.S.; Gregg Wilkinson, Ph.D.; Doris Bryan; Odis Mack; James Cox, M.D.; Donald Butler; Earl Erdmann
February 22, 1997	Doris Bryan; Jack Krohmer, Ph.D.; Glen King, D.V.M.; Fred Bonte, M.D.; Jimmy Barker; Odis Mack; Earl Erdmann; Bob Underdown; Donald Ludlum; Justin LaVasseur, M.D. Louis Cadena, D.D.S.; Tom Burnette	Connie Rogers; Donald Butler; Gregg Wilkinson, Ph.D.; David Henkes, M.D.; James Cox, M.D.
November 2, 1996	Connie Rogers; Jack Krohmer, Ph.D.; Frances Gonzales; Glen King, D.V.M.; Fred Bonte, M.D.; Jimmy Barker; Odis Mack; Earl Erdmann; Bob Underdown; Donald Ludlum; Justin LaVasseur, M.D.	Gregg Wilkinson, Ph.D.; David Henkes, M.D.; Louis Cadena, D.D.S.; James Cox, M.D.; Tom Burnette; Doris Bryan; Don Butler
September 7, 1996	Doris Bryan; Connie Rogers; Tom Burnette; Glen King, D.V.M.; Louis Cadena, D.D.S.; Jimmy Barker; Odis Mack; Donald Butler; Earl Erdmann; Bob Underdown; Donald Ludlum; Justin LaVasseur, M.D.	Jack Krohmer, Ph.D.; Frances Gonzales; Gregg Wilkinson, Ph.D.; David Henkes, M.D.; Fred Bonte, M.D.; James Cox, M.D.

Number of Meetings Attended

Member	Number of Meetings Attended	Percent Attended
Jimmy Barker, P.E.	4	100
Fred Bonte, M.D.	2	50
Doris Bryan	3	75
Tom Burnett	3	75
Don Butler	2	50
Louis Cadena, D.D.S.	2	50
James Cox, M.D.	0	0
Earl Erdmann	3	75
Francis Gonzales*	3	75
David Henkes, M.D.	1	25
Glen King, D.V.M.	4	100
Jack Krohmer, Ph.D.	4	100
Justin LeVasseur, M.D.	4	100
Don Ludlum	3	75
Odis Mack	3	75
Connie Rogers	3	75
Bob Underdown, Jr.	3	75
Gregg Wilkinson, Ph.D.	0	0

NOTE: Resigned to move out of state in spring 1997. Could have attended a maximum of 3 meetings.

III. Board Actions

Topic	Advice and Recommendations	Status
25 T.A.C. 143.16 proposed rules for medical radiologic technologists	Recommended diagnostic nuclear medicine procedures be classified as "dangerous" rather than "hazardous" in 25 TAC 143.16 proposed rules.	Recommendation considered by Texas Board of Health and professional licensure staff.
Training and education requirements for physicians using radioactive stents	Recommended requirements for physicians using radioactive stents and areas to consider in licensing stents for human use. (Recommendation made to the Nuclear Regulatory Commission in response to a petition for rulemaking).	Staff continues to study progress in this new technical area.
Texas Regulations for Control of Radiation (TRCR) Part 36 on well logging	Recommended proposal and final adoption of TRCR Part 36 on requirements for well logging using tracers.	Rules adopted by Texas Board of Health.
30 T.A.C. Chapter 336 proposed rules on uranium of Texas Natural Resource Conservation Commission (TNRCC)	Recommended proposal and final adoption of TNRCC rules 30 T.A.C. Chapter 336 with modifications regarding satellite issues.	Rules adopted by TNRCC.
Memorandum of Understanding (MOU)	Recommended adoption of the MOU between TDH and TNRCC.	MOU adopted by TDH and TNRCC.
TDH's radioactive waste storage facility	Reviewed status of TDH's radioactive waste storage facility and inventory as well as information on disposal options and costs. Advised storage facility appears adequate. TRAB noted the importance of Texas opening a radioactive waste site as soon as possible because of widespread storage of wastes throughout Texas.	TDH storage facility in use.

Topic	Advice and Recommendations	Status
New uses of radioactive material in medicine - physician training and radiation safety issues	Provided consultation on medical and health physics aspects of intravascular brachytherapy and high dose rate afterloading for cardiac uses. Advised staff of status of investigational trials, appropriate physician training, and safety concerns.	Staff continues to study new modality and safety issues and develop licensing procedures.
Certification Council of Nuclear Cardiology for certification in nuclear cardiology	Advised staff about a newly formed Certification Council of Nuclear Cardiology. Provided information on the certification to document for staff that the certification does not fulfill the licensing requirements for radioactive materials.	Certification is not being accepted as documentation for licensure.
Clarification about and advice on advancements in medical uses of radiation	Highlighted for staff, through consultation and discussion, issues regarding use of radioactive materials on humans. Provided advice to staff regarding practice of medicine, investigation of misadministrations, advancements in teleradiology and service industries, and risks and operations of high dose afterloaders.	Staff applying information in making licensing decisions.
Release limits for areas contaminated with uranium; TNRCC rules T.A.C. 30 Chapter 336	Provided technical consultation on release of contaminated areas. Evaluated model used to develop standard. Advised staff of difficulties with practical application of rule. Provided information on related NRC and EPA limits.	Staff incorporated technical advice into rule making considerations.

Topic	Advice and Recommendations	Status
Regulatory fees	Evaluated TNRCC's proposed license fees and status of fee development for TDH licensee and registrants. Recommended revision and proposal of TRNCC fees; will consider TDH fees when dollar amounts are available.	TNRCC rules proposed and adopted; TDH rules under development.
Activist against a low-level radioactive waste site	Heard public comment on activities of paid activist travelling states and distributing information on radiation in efforts to stop the licensing of a radioactive waste site in Texas.	Public commented noted for the record.
Emergency response exercises for nuclear utility	Reviewed plans for June and July emergency response exercises for Comanche Peak power station.	Exercise conducted and evaluated by NRC and Federal Emergency Management Administration.
Agreement State review of Texas by NRC	Reviewed plans for inspection of Texas regulatory program by the NRC.	Review conducted in June 1997 by NRC.
Legislation	Provided consultation to Texas Legislature and agencies on bills involving transfer of uranium regulation, changes to mammography statutes, revision of TRAB statutes, and budget of the Texas Low-Level Radioactive Waste Disposal Authority.	Bills passed and became law in the 75th legislative session.

Topic	Advice and Recommendations	Status
Consultation with guest speaker on legislation	Consulted with guest speaker, Ms. Annette Glass, staff of the Texas House of Representatives Committee on Environmental Regulation, on plans for legislation regarding TRAB and numerous radiation issues.	TRAB Chairman participated in committee activities drafting legislation; provided expert testimony at hearings in the Legislature.
Review and evaluation of agencies and radiation issues	Discussion not requiring action included presentations on program activities of the Texas Natural Resource Conservation Commission, Texas Low-Level Radioactive Waste Disposal Authority and the Bureau of Radiation Control.	Identified issues for future consultations and recommendations on state radiation policies and programs.

IV. Actions Requested by Board of Health

The Commissioner of Health asked the Medical Committee of TRAB to review credentials of a physician's training and experience and advise whether it would be appropriate to license the individual to use radioactive materials. Two committee members provided comments in letters to the Bureau of Radiation Control recommending that the individual be licensed.

V. Activities Anticipated

Topic	Activities Anticipated
Nonionizing regulation	Consideration of appropriate regulatory efforts
Transportation of radioactive materials	Review revision to transportation rules
Pantex (Department of Energy plant)	Continue to study the implications of the operations at the Pantex plant weapons dismantlement and storage plant in Amarillo and receive briefings on emergency response activities

Topic	Activities Anticipated
X-ray regulations	Review revisions to rules
Regulatory fees	Review fee structure and revision of fee schedule
Low-level radioactive waste disposal	Continue to study progress in getting an operating waste site in Texas and issues surrounding joining a compact with Maine and Vermont
Texas Natural Resource Conservation Commission	Review issues related to waste disposal
Texas Railroad Commission	Review rules on NORM as needed
Texas Low-Level Radioactive Waste Disposal Authority	Provide recommendations as may be requested
Legislation	Continue to participate in hearings and discussions on legislation relating to radiation

VI. Amendments to T.A.C. 289.130 Requested

The 75th Legislature changed the statutes concerning the Texas Radiation Advisory Board, amending Chapter 401 of the Health and Safety Code with House Bills 212 and 213, effective June 2 and September 1, 1997, respectively. To be consistent with the statutes, the following changes are needed in Section 289.130 Texas Radiation Advisory Board. Boldface type indicates the new, correct wording.

Sec. 289.130 (c) Purpose. The purpose of the board is to provide advice to the Texas Board of Health and to the Texas Department of Health's (department), **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies** radiation programs in the area of state radiation policies and programs.

Sec. 289.130 (d)(1) the board shall advise the Texas Board of Health and the radiation programs of the department, the **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies**, concerning rules relating to state regulation of radiation.

Sec. 289.130 (d)(2) The board.....and review proposed rules and guidelines of the department, the **Texas Natural Resource Conservation Commission, the Railroad Commission of Texas, and other state agencies**, relating to regulation of sources of radiation....

Sec. 289.130 (e) Review and duration. {Time period may change based on Sunset Review in progress.}

Sec. 289.130 (I)(1) A meeting may be called by the **advisory board chairman or by five advisory board members.**

Throughout the rules, reference is made to "subcommittees" rather than "committees" of the TRAB. The later term would be correct and at a time when substantive changes are being made, it would be appropriate to change the reference to "committees."

VII. Board's Expenses for FY 1997

Expense	Amount
Reimbursement of members	\$ 7,018.21
Staff time in support of the board	\$ 9,863.02
Other operating	\$ 290.27
TOTAL	\$17,171.50

Source: TDH Expenditure Allocations thru May 1997